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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,251	11/30/2001	Antonio Vazquez Lopez	ABRIL.LOPEZA.PT	4261
24943 7590 08/23/2007 INTELLECTUAL PROPERTY LAW GROUP LLP 12 SOUTH FIRST STREET SUITE 1205 SAN JOSE, CA 95113			EXAMINER ELISCA, PIERRE E	
			ART UNIT 3621	PAPER NUMBER
			MAIL DATE 08/23/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/998,251

Applicant(s)

LOPEZ ET AL.

Examiner

Pierre E. Elisca

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2 and 3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2 and 3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This communication is in response to Applicant's amendment filed on 05/29/2007.

2. Claims 2 and 3 are currently pending.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3 are rejected under 35 U.S.C 103 (a) as being unpatentable over Zalewski, Thomas W et al (**US PG PUB 20050017068** in view of Patel et al (U.S. Pat. No. 6,438,690).

As per claims 2-3 Zalewski substantially discloses a method of making payments using an electronic device cover with embedded transponder, the method comprising: Using the user's telecommunication service provider or an intermediary finance company as a bridge element between this user and the company supplying the product or service in question, so that the user enters his personal information by filling in a form, this information is compared with the data received from the telephone or finance company, which has this information in possession, to accept the purchase if the data coincides, or to reject the purchase if not, so that if the purchase is accepted, the

purchase is charged to the user's phone bill, while the supplier company will collect from the aforementioned operator at a later date, wherein an application begins by asking the user to select a language to be used, from a group of languages pre-set for that purpose, following which the user is informed of the possibility of using the same remote purchase service by means of a credit card accepted at authorized establishments, if the user does not choose to pay with a card, information corresponding to the subscriber phone number from which the call was made and to the subscriber himself is received from the telephone service or finance company authorized to provide the service, for later verification, after which the user must fill in a form requesting his personal information, as well as information about whether he placed the call from his subscriber telephone number or from another number (see., Zalewski, Paragraph 0100, specifically wherein said the credit issues 96X authorizes the charge and sends notice of authorization 955 to portal 910. Charges may also be charged to the user's phone bill for shopping at a variety of promotion channels 93X. These may include a home improvement store 931, fast food, etc).

Zalewski fails to explicitly disclose the limitation of identifying the user's password and the user's encrypted data. However, Patel discloses a secure end-to-end communication system that includes a vault controller based registration application (based registration application or form requesting his personal information). A user ID, password, and encryption establish a user identity for accessing secure information (see., Patel, col 1, lines 33-51, col 2, lines 64). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the

phone bill collection of Zalewski by including the limitation detailed above as taught by Patel because this would prevent hackers from intercepting information and performing illegal transactions.

5. Claims 2-3 are rejected under 35 U.S.C 103 (a) as being unpatentable over Zalewski, Thomas W et al (**US PG PUB 20050085226**, 09/29/2000) in view of Patel et al (U.S. Pat. No. 6,438,690).

As per claims 2-3 Zalewski substantially discloses a method of making payments using an electronic device cover with embedded transponder, the method comprising:

Using the user's telecommunication service provider or an intermediary finance company as a bridge element between this user and the company supplying the product or service in question, so that the user enters his personal information by filling in a form, this information is compared with the data received from the telephone or finance company, which has this information in possession, to accept the purchase if the data coincides, or to reject the purchase if not, so that if the purchase is accepted, the purchase is charged to the user's phone bill, while the supplier company will collect from the aforementioned operator at a later date, wherein an application begins by asking the user to select a language to be used, from a group of languages pre-set for that purpose, following which the user is informed of the possibility of using the same remote purchase service by means of a credit card accepted at authorized establishments, if the user does not choose to pay with a card, information corresponding to the subscriber phone number from which the call was made and to the subscriber himself is

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received from the telephone service or finance company authorized to provide the service, for later verification, after which the user must fill in a form requesting his personal information, as well as information about whether he placed the call from his subscriber telephone number or from another number (see., Zalewski, Paragraph 0101, specifically wherein said the credit issues 96X authorizes the charge and sends notice of authorization 955 to portal 910. Charges may also be charged to the user's phone bill for shopping at a variety of promotion channels 93X. These may include a home improvement store 931, fast food, etc).

Zalewski fails to explicitly disclose the limitation of identifying the user's password and the user's encrypted data. However, Patel discloses a secure end-to-end communication system that includes a vault controller based registration application (based registration application or form requesting his personal information). A user ID, password, and encryption establish a user identity for accessing secure information (see., Patel, col 1, lines 33-51, col 2, lines 64). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the phone bill collection of Zalewski by including the limitation detailed above as taught by Patel because this would prevent hackers from intercepting information and performing illegal transactions.

#### RESPONSE TO ARGUMENTS

6. Applicant's arguments filed on 05/29/2007 have been fully considered but they are moot in view of new ground (s) of rejection.

**Conclusion**

**US PG PUB 2001/0025273 Walker et al.**

7. *This patent teaches a parallel data network billing and collection system in which credit is obtained from the billing network and charged to the user through the phone company see., Walker, paragraph [0061].*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 571 272 6706. The examiner can normally be reached on 6:30 to 5:00. Patents and hoteling.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571 272 6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

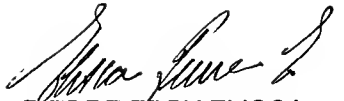
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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August 06, 2007

  
PIERRE EDDY ELISCA  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 3600